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REMARKS

In the outstanding Office Action, the Examiner has rejected Claims 19-37. Claims 19, 21, 22, 24, 28, 29, 32, and 37 have been amended, and Claim 26 has been canceled. No new matter has been added. Reconsideration and allowance of all Claims 19-25 and 27-37 in light of the present remarks is respectfully requested.

Discussion of Claim Rejections Under 35 U.S.C. § 103(a)

The Examiner has rejected Claims 19, 20, 24-36, and 37 under 35 U.S.C. § 103(a) as being unpatentable over WO 96/41493 to Diachina, in view of U.S. Patent No. 5,852,290 to Chaney.

Referring to Claims 19, 20, 24, 25, 27-30, 32-34, 36, and 37, the Examiner stated that Diachina teaches all of the elements of the claims in reference to page 40, lines 5-27 of Diachina, except that "Diachina does not specify that the message decryption takes place in the smart cards." However, the Examiner also stated that "Chaney discloses a smart card access control system for use in cellular communication wherein the smart cards of the cellular phones are used to decrypt messages (Col. 13, lines 17-24). The Examiner thus argued that "[i]t would have been obvious to one of ordinary skill in the art at the time the invention was made for the smart cards of Diachina to decrypt message because Diachina discloses that the messages are decrypted using processing means of the mobile stations (Page 40, lines 18-20), and when the smart cards are inserted in the mobile stations they becomes processing means for the mobile station."

Referring to Claim 26, the Examiner stated that "Diachina discloses that the SMS messages contain header information that discloses from which channel the mobile terminal can download the SMS message (Page 33)."

To establish *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. *In re Royka*, 180 U.S.P.Q. 580.

Amended Claim 19 recites a method of distributing information to users in a cellular telecommunications network, the method comprising, *inter alia*, "transmitting a transfer protocol identifier indicating that the encrypted broadcast message is of a type for data download to the removable module from the first mobile station; for each said first mobile station, passing said encrypted broadcast message to its corresponding removable module in response to receipt of said transfer protocol identifier" Claim 19 has been amended to recite features similar to

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those recited in previously examined and now canceled Claim 26, and therefore, the Examiner's rejection of Claim 26 will be discussed in reference to amended Claim 19.

Diachina describes a communications system wherein decryption of SMS messages are carried out by processing units in mobile stations. *Page 40, lines 1-3*. Diachina further provides that encryption keys or algorithms could be entered directly at the mobile stations via a smart card, and such suggestion is the only mention of a removable module in conjunction with Diachina's communication system. *Page 40, lines 23-24*. Thus, decryption of broadcast messages in Diachina's system occurs in the mobile equipment itself rather than in the smart card as recognized by the Examiner.

Furthermore, Diachina fails to teach or suggest "*transmitting a transfer protocol identifier indicating that the encrypted broadcast message is of a type for data download to the removable module from the first mobile station; for each said first mobile station, passing said encrypted broadcast message to its corresponding removable module in response to receipt of said transfer protocol identifier*" as recited in Claim 19. Diachina, at page 33 line 8, discloses that header information is provided with every SMS frame, wherein the header information describes the sub-channelling of the broadcast SMS channel. The sub-channeling information, however, does not indicate that the message is *of a type for data download to a removable module* as recited in Claim 19. As noted above, the only mention of a removable module in Diachina is that "encryption keys or algorithms could be sent to the mobiles ... via a 'smart card', for example." *Diachina at page 40, lines 23-25*. Applicant respectfully submits that the header information describing sub-channeling and mention of the use of a removable module to send encryption keys cannot properly be construed as teaching or suggesting "*transmitting a transfer protocol identifier indicating that the encrypted broadcast message is of a type for data download to the removable module from the first mobile station; for each said first mobile station, passing said encrypted broadcast message to its corresponding removable module in response to receipt of said transfer protocol identifier*", as recited in Claim 19.

Chaney describes a smart-card based access control system for a video signal processing system, such as a pay-TV system. *Chaney at col. 3, lines 39-56*. In a first embodiment described by Chaney, a signal processing system includes a tuner 100 coupled to a forward error corrector (FEC) 110, wherein the FEC 110 is configured to convert the analog output of the tuner 100 to a digital signal. *Col. 4, lines 26-27, 32-35; Figure 1*. A transport unit 120 is coupled to the FEC

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110 and is configured to detect and separate types of data in the tuned signal. *Col. 3, lines 36-37.* The tuned signal includes data packets, and each packet includes a header with data defining the sub-stream with which the packet is associated. *Col. 4, lines 43-48.*

In this first embodiment described by Chaney, the transport unit 120 extracts and processes header data and directs video and audio data to demux/descrambler 130 for descrambling and demultiplexing into video and audio signals. *Col. 5, lines 36-49; Figure 1.* In contrast to Chaney's first embodiment, Claim 19 recites a method wherein an encrypted broadcast message is passed to a removable module where the broadcast message is decrypted. The scrambled video and audio data in Chaney's first embodiment are not descrambled in a removable module or smart card. Thus, the first embodiment described by Chaney does not cure the defects of Diachina.

In a second embodiment described by Chaney, a smart-card 180 includes an IC 181 with a descrambler unit 185 and is issued with both an entitlement control message (ECM) key and an entitlement management message (EMM) key stored in memory 423. *Col. 7, lines 15-16; col. 11, lines 8-23, 35-44; Figures 1, 4.* The ECM key is used to descramble ECM data, which is stored in memory 424 and used by a CPU 421 to generate video and audio keys for use in descrambling video and audio data. *Col. 11, lines 45-59.* The descrambler 185 includes a transport decode unit 472, for providing functions similar to the functions of the transport unit 120 in the first embodiment, including processing header data. *Col. 7, lines 61-64; col. 8, lines 5-6.* Scrambled or encrypted video and audio data is descrambled at the descrambling unit 478 on the smart card 180. *Col. 8, lines 25-41; col. 12, lines 20-26.*

Thus, in the second embodiment described by Chaney, the *smart card* both processes packet header data *and* descrambles encrypted audio and video data. In contrast to Chaney's second embodiment, the *mobile stations* in Claim 19 receive a transfer protocol identifier and pass the encrypted broadcast message to the removable module *in response to receipt of the transfer protocol identifier.* Accordingly, Chaney's second embodiment fails to cure the defects of Diachina.

Therefore, as neither Diachina nor Chaney, either alone or in combination, teach or suggest every element as recited in Claim 19, Applicant respectfully submits that Claim 19 is in condition for allowance.

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As amended Claims 32 and 37 recite features similar to those recited in the method of Claim 19, the arguments with respect to Claim 19 similarly apply to Claims 32 and 37, and thus, Claims 32 and 37 are respectfully submitted for further review as patentable subject matter.

Because Claims 20-31, and 33-36 depend from Claims 19 and 32, pursuant to 35 U.S.C. § 112, ¶ 4, they incorporate by reference all the limitations of the claim to which they refer. It is therefore submitted that these claims are in condition for allowance at least for the reasons expressed with respect to the independent claim, and for their other features.

Conclusion

Applicant has endeavored to address all of the Examiner's concerns as expressed in the outstanding Office Action. Accordingly, amendments to the claims for patentability purposes pursuant to statutory section 103, the reasons therefor, and arguments in support of the patentability of the pending claim set are presented above. In light of these amendments and remarks, reconsideration and withdrawal of the outstanding rejections is respectfully requested.

Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: _____

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